

MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~APPEALS~

Friday April 21, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta and Commissioner Russell.

Staff present to support the Commission: Lindsey Christopher and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 9:00 a.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Thursday, November 3, 2016 at 12:02 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 11:15 a.m. on Tuesday, April 18, 2017, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Regular Meeting of March 17, 2017 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the March 17, 2017 Regular Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the March 17, 2017 Regular Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Jacky D. Fore v. Carter County Rural Water Association & Compsource Mutual Ins. Co (FKA Compsource Oklahoma), File # CM2015-01403R

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. David B. Custar is the attorney of record for the Claimant and V. Ronald Frangione is the attorney of record for the Respondent.

Claimants Attorney sent Presiding Appellant Officer Chairman Gilliland an email regarding settlement of the case and to dismiss this appeal. There being no objection, the dismissal was granted therefore no argument was presented.

APPEAL DISMISSED

John Thomas v. City of Oklahoma City (Own Risk # 7800), File # CM2015-01148Y

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Lewis Berkowitz represented the Claimant and Matthew J. Graves represented the Respondent.

Motion: After reviewing the record and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

David Wayne Horton v. Longtown Rural Water District & Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2015-04734L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Richard A. Bell & David B. Custar are the attorneys of record for the Claimant and Dana L. Gish is the attorney of record for the Respondent.

Claimants attorney sent an email to the Commission requesting continuation of this oral argument. There being no objection, the continuation was granted therefore no argument was presented.

APPEAL CONTINUED

David R. Alley v. A New Creation Renovation & Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2015-04401R

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Daniel M. Webb represented Emergency Medical Services Authority and Kristi Bynum Funck represented the Respondent.

Motion: After reviewing the record and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Nelson Vangelder v. Smokey Point Distributing Inc. & Zurich American Insurance Co., File #CM2016-02804A

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Nicole Bell represented the Claimant and Edward Grimes represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Gerald Rogers v. Nelson Construction LLC & Compsource Mutual Ins. Co. (AKA Compsource Oklahoma), File #CM2016-03133J

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Nicole Bell is represented the Claimant and Preston Hanner represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order in the Following Case:

1. James Knight v. Holiday Inn & Zenith Insurance Co., file #CM2014-06101Q

On March 17, 2017, after hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to vacate and remand the Administrative Law Judge's order for determination of good cause for failure to comply and instruct Commission Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Commissioner Liotta moved to adopt the order as proposed.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ORDER ADOPTED

2. Gary E. Hoskins v. Poly Pipe Inc. & Insurance Co. of the State of Penn, file #CM2015-01732X

On March 17, 2017, after reviewing the record and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm in part and modify in part the Administrative Law Judge's order and instruct Commission Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order affirming in part and vacating in part was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ORDER ADOPTED

Announcements

Commission's next special business meeting is Thursday, May 18, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, May 19, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 11:42 p.m.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.